

ARTICLE APPEARED
ON PAGE **A-12**

NEW YORK TIMES
8 August 1985

Ex-Agent Defended as Trying to Trap Spies

By JUDITH CUMMINGS

Special to The New York Times

LOS ANGELES, Aug. 7 — The first agent of the Federal Bureau of Investigation ever accused of espionage was repeating the maneuver of another agent in an attempt to trap Soviet spies, his lawyer told a jury today. But while the other agent's effort failed, the lawyer said, in this case "the fish was on the hook."

In an opening statement for the defense today at the espionage trial of the former agent, Richard W. Miller, the lawyer, Stanley I. Greenberg, said that Mr. Miller was trying last year to use a Soviet émigré couple, Svetlana and Nikolay Ogorodnikov, to snare a Soviet intelligence officer. That officer, Aleksandr Grishin, has been named as an co-conspirator in the case but has not been indicted.

Mr. Grishin was vice consul at the Soviet consulate in San Francisco but functioned as the top K.G.B., or Soviet intelligence, officer there, according to the Government. The Government maintains that Mr. Grishin helped Mrs. Ogorodnikov arrange a meeting for Mr. Miller with Soviet intelligence officials in Vienna. The meeting, according to the F.B.I., was aborted when bureau agents arrested Mr. Miller and the Ogorodnikovs last October.

"This is the fish," said Mr. Greenberg, who displayed a picture of Mr. Grishin to the jurors, adding that perhaps Mr. Grishin "wasn't on the hook yet" but was close to it.

Miller Broke Bureau Rules

Mr. Miller, a 20-year-veteran of the F.B.I. before he was dismissed immediately before his arrest, is charged with conspiring to pass American military secrets and with photocopying a classified document for the purpose of passing it to the Soviet Union. He is also charged with agreeing to receive \$85,000 in gold and cash, along with a \$675 trenchcoat, as bribes for the corruption of his duties as an agent. Mr. Miller has denied the charges.

Mr. Greenberg said that Mr. Miller, like a fellow agent, John E. Hunt in 1982, tried in 1984 to cultivate Mrs. Ogorodnikov, who had extensive contacts among Soviet consular officials, to be a double agent. Mr. Hunt, Mr. Greenberg said, followed all bureau rules and failed. Mr. Miller, on the other hand, he said, acted in his usual unorthodox fashion, broke most every bureau rule and got Mr. Grishin "on the hook."

In the course of his dealings with the Ogorodnikovs, Mr. Miller admitted that he and Mrs. Ogorodnikov had a love affair. The Ogorodnikovs have pleaded guilty to spying in an arrangement that calls for them to testify against Mr. Miller. Mrs. Ogorodnikov was sentenced to 18 years in prison and Mr. Ogorodnikov to 8.

At one point in the proceedings today, Federal District Judge David V. Kenyon ordered a private investigator, Al Sayer, removed from the defense table. Mr. Greenberg had introduced Mr. Sayer to the jury as a one-time supervisor of Mr. Miller at the F.B.I.

Mr. Greenberg told the jurors that

Mr. Sayer, unlike some other supervisors of Mr. Miller, had liked Mr. Miller, praised his "personality" and tried to help him improve his work.

Judge Kenyon said the defense had indicated to him only that Mr. Sayer was a private investigator and had not disclosed his previous relationship with Mr. Miller at the bureau.

Prosecutor Dispute Contention

In an opening statement for the Government that ended today, Robert C. Bonner, the United States Attorney in Los Angeles, disputed a key contention of the defense: that last Sept. 27 Mr. Miller voluntarily reported for the first time to his bureau supervisor, P. Bryce Christensen his dealings with Mrs. Ogorodnikov.

The former agent has offered that action as proof that he was not spying but was instead trying to carry his plan to infiltrate Soviet intelligence as far as he could alone for fear his supervisors would stop him as a bumbler if they knew of it.

Mr. Bonner asserted that Mr. Miller and Mrs. Ogorodnikov knew or should have known they were under surveillance a day or more before Sept. 27 because of various tipoffs. On Sept. 26, Mr. Bonner said, Mr. Miller "thought he saw" an F.B.I. surveillance agent watching him and Mrs. Ogorodnikov at a Los Angeles parking lot where they frequently met. The prosecutor said Mr. Miller saw the agent about 30 feet away and "as they made eye contact, Miller looked shocked."